



June, 2003

Texas Alcoholic Beverage Commission Seller/Server Training Section

Training Together

Responsible Alcohol Service Saves Lives



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NOW Is The Time to Register

What new laws, passed by the 78th Texas Legislature, will effect me as a certified Seller Training School?

What modifications will I need to do to keep my program in compliance?

How do my trainers and I get the 4 annual continuing education hours required by TABC Seller Training?

What is happening in Seller Training?

What are the details about the Standardized Test?

What is the standardized penalty chart and what does it mean to me?

How do we receive this training for free?

EXTRA! EXTRA!!
Read All About It!
Free Continuing
Education Hours !!!

**These Questions and More are
Answered at the
2003 Seller Training Seminars.**

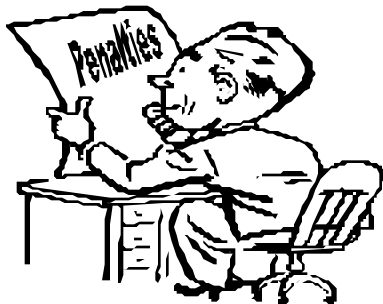
July 9th
July 16th
July 22nd
July 29th
July 30th
August 5th
August 7th

El Paso
McAllen
Austin
Ft. Worth
Dallas
Houston
Austin

****4 Continuing Education Hours****



STANDARD PENALTY CHART



The standard penalty chart rule was amended and approved by the TABC Commissioners on October 20, 2002 to include seller training violations.

The penalties list in Rule §37 have been used informally for several years to ensure that violations were enforced fairly and consistently to all schools throughout the state.

This penalty chart rule did not change any of the penalties assessed. The rule was amended to formally notify all parties about the violations and their penalties.

Warnings and civil penalties ranging from \$300.00 to \$2700.00 have been issued for infractions to the rules. These infractions include failure to

schedule or cancel sessions to certifying a trainee who had not successfully completed a full session and/or passed the final test.

Become familiar with the standard penalty chart so that you will not be in violation of the TABC Seller/server training rules.

To read the approved Administrative Rule, go to the web address: <http://www.tabc.state.tx.us/login0/rules/CHAP37>. Click on §37 and scroll to page 10.

ISSUING CERTIFICATES

In September, 2000, schools began issuing certificates to trainees at the end of class. Even after almost 3 years, there are still areas of confusion. Please remember the following when issuing certificates:

- ♦ You must give the certificate to the trainee (once they have successfully completed the class and passed the test) **at the end** of class.
- ♦ Do not give the certificate to their employer.
- ♦ Do not mail it to them unless you run out of certificates.
- ♦ If you run out of certificates or you are an online, video, computer-based program, you must mail it to the trainee within 5–7

days.

- ♦ Also you must have certificates ordered from the TABC before you hold the class.
- ♦ The trainer who holds the class must sign the certificates and the Report of Seller Training.
- ♦ DO NOT ISSUE A CERTIFICATE TO ANYBODY WHO DOES NOT HAVE DOCUMENTATION THAT ALLOWS THEM TO LEGALLY WORK IN THIS COUNTRY (I.e.: social security #, INS #, or work visa #).
- ♦ Be very careful that you put the correct social security number on the certificate and on the Report.
- ♦ The penalty for failure to comply is covered under two sections of the rule as follows:

1. **Failed to distribute certificates to trainees (§50.4(r)).** The 1st violation carries from a \$450.00 civil penalty up to \$4500 for a 3rd violation
2. **Failure to properly prepare and issue certificates. (§50.4(r)).** The 1st violation is up to a \$450.00 civil penalty to cancellation of your school program for a 3rd violation.



CLASS SIZE OF 50 TRAINEES IS STILL THE RULE

There have been some questions about the class size for a seller/server training class session. "No class may exceed 50 trainees." §50.4(e).

This means that in a class session, whether you have one trainer or are co-training, a maximum number of 50 people can be trained.

According to the Standard Penalty Chart, there are several violations that address

*"No class may exceed
50 trainees."
TABC Rule
§50.4(e)*

this issue and your school can be cited for any combination of these, or all of these violations. The codes are:

- ♦ ***Had more than 50 trainees in a session.***
- ♦ ***Program taught in ineffective manner. (§50.4)***
- ♦ ***Make false or misleading statements, reports, or representations to the Commission. (§50.5(b)(2)).***

TAKE NOTE!!!

THIS ARTICLE IS SIMILAR TO THE ARTICLE THAT I WROTE IN DECEMBER. WE ARE STILL HAVING MANY OF THE SAME PROBLEMS AND PERHAPS IF I RESTATE THEM, YOU WON'T BE TOO SURPRISED WHEN A COMPLIANCE OFFICER WRITES YOU A CITATION.

From time-to-time you may receive a letter from this office asking for **corrections** to a report, information on **desktop audits**, program **modifications**, **application** problems, and numerous other requests. Failure to respond to these letters will result in further action, which may include contact by a compliance officer and/or action against your school.

When we return a report, there is a letter that is attached to the report. Please return the **letter** with the corrected report.

Trainers must grade the **tests** that are given at the end of the class. **DO NOT LET TRAINEES GRADE THEIR OWN TESTS OR OTHER TRAINEE'S TESTS.**

Testing cannot be "open book".

Do not review the **test** questions immediately before the test.

If you run out of **certificates** before all trainees have been issued a certificate, you **MUST** send them their certificate within 5 days.

On the Report of Seller Training, **Form C-403**, be sure to put the certificates in numerical sequence, include the same information at the top of the form as you included when you scheduled the class, and proofread.

Please, please, PLEASE check the certificate numbers with the

actual certificates. We are returning too many Reports with **certificate numbers** that are already assigned to trainees, are assigned to a different school, or that have been voided. Your help with checking the certificate numbers will save us all precious time.

When voiding a certificate, include that certificate number in numerical order on the Report of Seller Training (Form C-403) and type **Void** in the name column.

When **scheduling** a class for the same time, same place, and same location, you must have a different trainer number for each.

When **cancelling** a class you must include the same trainer number and information as you included when you scheduled the class.

Anytime you contact this office, include your **school/program number**.

All changes to a program must be submitted to this office with a **modification** request form (Form C-406).

Do not implement any **changes** without prior approval from seller training. If you do implement changes without prior approval, you will have **"failed to present program curriculum as approved"**. **\$50.4(g)**. This violation carries a \$450.00 civil penalty for a first violation and a third violation can mean cancellation of your school/program.

Important

Points:

- *Corrections*
- *Testing*
- *Certificates*
- *Scheduling*
- *School/
program #s*
- *Modifications*

Any **extensive changes** in your program that require us to re-evaluate a majority of program content; such as changing from a classroom to an online, video, or computer-based course, will be considered an original program.

Major modifications are considered an original program and you must submit an original school/program application, trainer application, the fees, and the changes to your program. Do not use these changes until you receive written approval from seller training.

Minor modifications include new videos, new quizzes, the order of a presented topic, or any modifications that are requested by this office.



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We're on the Web!
[www.tabc.state.tx.us/
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**BE SURE TO READ AND SHARE THIS
ENTIRE NEWSLETTER WITH ALL
TRAINERS. THIS NEWSLETTER IS
FULL OF IMPORTANT INFORMATION
THAT CAN EFFECT YOUR SCHOOL!!!!**